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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2013-113**

12 **VON O. METRIZ RODGERS-LEWIS,**
13 **AKA VONOMETRIZ VUANITA**
14 **RODGERS, AKA VONOMETRIZ**
15 **RODGERS LEWIS**
2554 Lincoln Boulevard, Apt. 449
Marina Del Rey, CA 90291

A C C U S A T I O N

16 **Registered Nurse License No. 374771**
17 **Public Health Nurse Certificate No. 42243**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

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2. On or about August 31, 1984, the Board of Registered Nursing issued Registered Nurse License Number 374771 to Von O. Metriz Rodgers-Lewis, aka Vonometriz Vuanita Rodgers, aka Vonometriz Rodgers Lewis (Respondent). On or about August 7, 1987, the Board of Registered Nursing issued Public Health Nurse Certificate No. 42243 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event the record of conviction shall be conclusive evidence thereof.

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(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

...

(i) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of, or arranging for, a violation of any of the provisions of Article 12 (commencing with Section 2220) of Chapter 5.

...”

7. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon . . . administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous Drug or dangerous device as defined in Section 4022.

...

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.”

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1 8. California Code of Regulations, title 16, section 1443, states:

2 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
4 exercised by a competent registered nurse as described in Section 1443.5."

5 9. California Code of Regulations, title 16, section 1443.5 states:

6 "A registered nurse shall be considered to be competent when he/she consistently
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical
8 sciences in applying the nursing process, as follows:

9 (1) Formulates a nursing diagnosis through observation of the client's physical condition
10 and behavior, and through interpretation of information obtained from the client and others,
11 including the health team.

12 (2) Formulates a care plan, in collaboration with the client, which ensures that direct and
13 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection,
14 and for disease prevention and restorative measures.

15 (3) Performs skills essential to the kind of nursing action to be taken, explains the health
16 treatment to the client and family and teaches the client and family how to care for the client's
17 health needs.

18 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and
20 effectively supervises nursing care being given by subordinates.

21 (5) Evaluates the effectiveness of the care plan through observation of the client's
22 physical condition and behavior, signs and symptoms of illness, and reactions to treatment and
23 through communication with the client and health team members, and modifies the plan as
24 needed.

25 (6) Acts as the client's advocate, as circumstances require, by initiating action to improve
26 health care or to change decisions or activities which are against the interests or wishes of the
27 client, and by giving the client the opportunity to make informed decisions about health care
28 before it is provided."

10. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

11. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DEFINITIONS

12. **Azithromycin**, also known as Zithromax IV, is used to treat certain infections caused by bacteria, such as bronchitis; pneumonia; sexually transmitted diseases (STD); and infections of the ears, lungs, skin and throat. Azithromycin is in a class of medications called macrolide antibiotics. It works by stopping the growth of bacteria.

FIRST CAUSE FOR DISCIPLINE

(Incompetence)

13. Respondent is subject to disciplinary action under Business and Professions Code section 2761, subdivision (a), on grounds of unprofessional conduct, in that, on or about October 30, 2009, while on duty as a registered nurse in the Pediatric Section of the Emergency Room at St. Francis Medical Center in Lynwood, Respondent committed incompetence, as follows:

A. At all times relevant herein, Respondent was employed as a registered nurse in the Pediatric Section of the Emergency Room at St. Francis Medical Center;

B. On or about October 30, 2009, a fifteen month year old patient was admitted for evaluation of a fever and upper respiratory infection at approximately 1231 hours;

C. The physician ordered Azithromycin 800 mg IV as treatment for the patient in error;

D. The pharmacy sent a corrected dose to the Emergency Room;

E. Respondent failed to advise the physician of the erroneous dosage order;

F. Respondent failed to follow hospital policy of administering pediatric medication with pharmacy review;

1 G. Respondent pulled a total of two 500 mg Azithromycin doses for administration to
2 the patient;

3 H. Medical Records indicated that Respondent gave a dose of Azithromycin 800 mg to
4 the patient at 2011 hours;

5 I. Medical Records indicated that Respondent gave a dose of Azithromycin 80 mg to
6 the patient at 2043 hours;

7 J. Respondent charged the withdrawal of medication to a patient who did not receive the
8 drugs and/or failed to document the wastage of Azithromycin;

9 K. The patient became unresponsive at approximately 20:45 p.m., attempts to resuscitate
10 were unsuccessful, and the patient died at 2155 hours;

11 L. The usual dose for pediatric intravenous Azithromycin is 10 mg per kilogram of
12 weight (kg). The patient weighed approximately 8.76 kg. Accordingly, 80 mg would be the
13 appropriate dose and 800 mg is a significant overdose.

14 M. Respondent's actions in relation to the patient on October 30, 2009 were incompetent
15 because she failed to exercise that degree of learning, skill, care and experience ordinarily
16 possessed and exercised by a competent registered nurse in that she failed to act as the patient's
17 advocate, failed to identify the correct dose for the patient, failed to advise the physician that the
18 incorrect dose was prescribed, failed to follow the hospital's policy of administering pediatric
19 medication with pharmacy review, falsely charted a medication twice at different times and
20 charged the withdrawal of medication to a patient who did not receive the drugs or for whom
21 Respondent did not document wastage of the drug.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(False or Incorrect or Inconsistent Entries)**

24 14. Respondent is subject to disciplinary action under Code sections 2761, subdivision
25 (a), and 2762, subdivision (e), on the grounds of unprofessional conduct for falsifying or making
26 incorrect, inconsistent and/or unintelligible entries in the hospital records of St. Francis Medical
27 Center in that Respondent charged the administration of Azithromycin at two different times and
28 at two different doses, charged the withdrawal of medication to a patient who did not receive the

1 drugs or for whom Respondent did not document wastage of the drug as more particularly set
2 forth in paragraph 13 above, which is incorporated herein as though set forth in full.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 15. Respondent is subject to disciplinary action under Business and Professions Code
6 section 2761, subdivision (a), on grounds of unprofessional conduct, in that while on duty as a
7 registered nurse in the Pediatric Section of the Emergency Room at St. Francis Medical Center in
8 Lynwood, on or about October 30, 2009, Respondent engaged in unprofessional conduct, as
9 described in paragraphs 13 and 14, above.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 374771, issued to Von O.
14 Metriz Rodgers-Lewis, aka Vonometriz Vuanita Rodgers, aka Vonometriz Rodgers Lewis;
15 2. Revoking or suspending Public Health Nurse Certificate No. 42243 issued to Von O.
16 Metriz Rodgers-Lewis, aka Vonometriz Vuanita Rodgers, aka Vonometriz Rodgers Lewis;
17 3. Ordering Von O. Metriz Rodgers-Lewis to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3;
20 4. Taking such other and further action as deemed necessary and proper.

21 DATED: August 9, 2012

22 *for* LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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